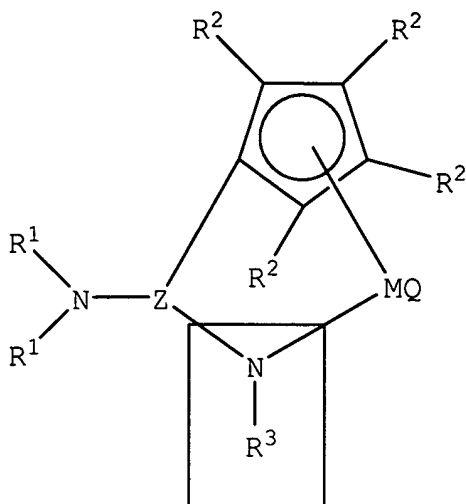


titanium(III) derivatives of the formula 5b shown on column 7, lines 25-35, wherein Z is boron and M is titanium. The '905 patent particularly discloses the compounds listed on column 35, lines 52-67 through column 36, lines 1-2. Further, the '905 patent discloses a catalyst composition and a process for the polymerization of an olefin. See examples.

#### RESPONSE

Applicant traverses the rejection of claims 1-5, 8, 10, 11 and 13. For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant believes the '905 patent does not disclose, teach, or suggest Applicant's currently claimed monocyclopentadienyl complex comprising "at least one uncharged donor". In particular, Applicant believes Formula 5b cited by the Examiner in the '905 patent, which has the structure:

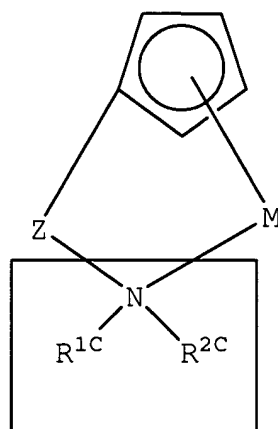


does not have the required formally uncharged donor.

As disclosed in Applicant's specification and recited in the claims, the uncharged donor is bound to a cyclopentadienyl system via a boron containing bridge, and is bound to a metal selected from the group consisting of titanium in the oxidation state 3, vanadium, chromium, molybdenum and tungsten. In addition to the uncharged group being bound to the cyclopentadienyl system and metal, the uncharged donor group necessarily contains the requisite amount of additional bonds to substituents, such that the uncharged donor group as a whole is formally uncharged.

Formula 5b in the '905 patent, as recited by the Examiner, has a cyclopentadienyl group, a nitrogen group [boxed], and a metal, wherein the nitrogen group is bound to the cyclopentadienyl group via a bridge (i.e., Z), to the metal (i.e., M) via a covalent bond, and to substituent R<sup>3</sup>. Accordingly, the nitrogen group in Formula 5b is formally charged by having 3 bonds, and one lone pair group present.

However, Applicant's uncharged donor, when comprising a nitrogen group bound to the boron-containing bridge and metal, additionally comprises two additional bonds to at least one additional substituent, which includes ring systems. As such, when Applicant's uncharged donor comprises a nitrogen group bound to the boron-containing bridge and metal, the uncharged donor [boxed] has a simplified structure of:



wherein the nitrogen group is formally uncharged, and the nitrogen group is bound to the metal via a dative bond.

Thus, when Applicant's uncharged donor comprises a nitrogen group bound to the boron-containing bridge and metal, the uncharged donor additionally comprises two additional bonds with no lone pair group being present.

In light of the above, claims 1-5, 8, 10, 11 and 13 are therefore believed to be patentable over the '905 patent. As such, Applicant kindly requests reconsideration and withdrawal of the rejection.

**CONCLUSION**

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the references of record. The Examiner is therefore respectfully requested to reconsider and withdraw all rejections and allow all pending claims 1-11 and 13. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner with any questions or comments.

Respectfully submitted,

By: \_\_\_\_\_

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

October 11 2006.

Jarrod N. Raphael  
Signature

October 11 2006  
Date